

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.12412 OF 1996

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Dated 28-11-2006

Between:

M.Gangadhar

...Petitioner

And

The Branch Manager,
State Bank of Hyderabad
And three others

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.12412 OF 1996

ORDER:

This writ petition is directed against an award passed in I.D.No.42 of 1988, dated 19-12-1992, by the Chairman, Industrial Tribunal-I, Hyderabad.

The case of the petitioner-workman is that he worked in the State Bank of Hyderabad, Armoor Branch-the first respondent herein as casual attender for a period of 91 days in 1981 and 92 days in 1982. Later, in June, 1983, the Local Employment Exchange sponsored his name for the post of part-time Peon on regular basis in the same Branch. The Branch Manager of the Armoor Branch appointed him as part-time Peon on regular service for a period of six months on probation with effect from 15-06-1983, by an order dated 14-06-1983, after conducting an interview on 10-06-1983. However, the said appointment order was made subject to his work efficiency and conduct being satisfactory. According to the petitioner, the respondents-Management utilized his services for a period of 76 days and thereafter his services were terminated with effect from 30-08-1983 by serving a notice of 14 days. His further case is that he worked for a total period of 269 days and out of 269 days, 183 days on casual basis as attender and 76 days on regular basis. Therefore, he completed more than 240 days continuous service. While that being so, his services were terminated. Hence, he raised the dispute.

The Management filed a counter denying the material allegations levelled against it. It was stated that initially the petitioner was appointed as Peon at Armor Branch on probation for a period of six months and no Branch Manager of the respondent- Bank was authorized to recruit personnel on permanent basis. They are

authorized only to appoint on casual basis depending upon the workload. The Branch Manager, Armoor Branch after appointing the petitioner did not intimate the same to the respondent-Bank and issued appointment orders on 14-06-1983. When his case was recommended to the respondent-Management for regularization, after verification of the particulars, it was found that the particulars furnished by the petitioner were not correct. Therefore, the very initial appointment of the petitioner was not valid under law. Thus the question of regularization of the services of the petitioner did not arise and therefore terminated from service.

On behalf of the workman, he examined himself as W.W.1 and marked Exs.W1 to W12. On behalf of the Management, M.W.1 was examined and Exs.M1 to M6 were marked. After an elaborate consideration of both oral and documentary evidence, the Tribunal came to the conclusion that the petitioner is not entitled to any relief as prayed for. Therefore, rejected his claim petition. Aggrieved by the same, the present writ petition is filed.

It is the case of the petitioner that the Tribunal below has not properly appreciated the evidence on record and erroneously came to the conclusion that he is not entitled to any relief as sought for.

The learned counsel for the respondents submitted that the order passed by the Tribunal is very cogent and reasoned one and does not call for any interference of this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel for the parties and perused the impugned order and other material made available on record.

At the outset, I am of the opinion that the petitioner has not

made out any ground calling interference of this Court into the award passed by the Tribunal. The stand taken by the Management is that the petitioner was initially appointed as part-time Peon without being possessed with minimum qualification required for that post. The Tribunal also noticed that at the time of appointment of the petitioner as a part-time Peon, he did not possess the requisite qualification i.e. pass in VIII Class, therefore, the very appointment itself was illegal and as such the question of regularization of the services of the petitioner did not arise. After obtaining the certificate of pass in S.S.C by the petitioner, though he appeared before the Selection Committee of the respondent-Bank for fresh appointment as part-time Peon or as regular Peon, he was not selected by the Board, as he was not upto the standards prescribed by the Board. Therefore, the Recruitment Board was perfectly justified in not selecting the petitioner. Simply because the petitioner worked previously temporarily for a short period, he could not secure any right for fresh appointment in the new recruitment.

For all these reasons, I am of the opinion that the Tribunal has rightly rejected the claim petition filed by the petitioner. No ground is made out to interfere into the award passed by the Tribunal under Article 226 of the Constitution of India.

The writ petition is devoid of merits and is liable to be and is accordingly dismissed. No order as to costs.

(C.V.Ramulu,J)

Dated 28th November, 2006
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